

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 708
96TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, May 11, 2011, with recommendation that the Senate Committee Substitute do pass.

1642S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 506, RSMo, by adding thereto one new section relating to the laws of other countries.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 506, RSMo, is amended by adding thereto one new section, to be known as section 506.530, to read as follows:

506.530. 1. A contract or contractual provision, if capable of segregation, which provides for the choice of a foreign law to govern some or all of the disputes between the parties adjudicated by a court of law or by an arbitration panel arising from the contract mutually agreed upon shall violate the public policy of this state and be void and unenforceable if the foreign law chosen includes or incorporates any substantive or procedural law, as applied to the dispute at issue, that would not grant to the parties the same fundamental liberties, rights, and privileges granted to the parties under the United States and Missouri Constitutions.

2. (1) A contract or contractual provision, if capable of segregation, which provides for jurisdiction for purposes of granting the courts or arbitration panels in personam jurisdiction over the parties to adjudicate any disputes between parties arising from the contract mutually agreed upon shall violate the public policy of this state and be void and unenforceable if the jurisdiction chosen includes any foreign law, as applied to the dispute at issue, that would not grant to the parties the same fundamental liberties, rights, and privileges granted to the parties under the United States and Missouri Constitutions.

21 **(2) If a resident of this state, subject to personal jurisdiction in**
22 **this state, seeks to maintain litigation, arbitration, agency, or similarly**
23 **binding proceedings in this state and if the courts of this state find that**
24 **granting a claim of forum non conveniens or a related claim violates or**
25 **would likely violate the fundamental liberties, rights, and privileges**
26 **granted under the United States and Missouri Constitutions of the**
27 **nonclaimant in the foreign forum with respect to the matter in dispute,**
28 **then it is the public policy of this state that the claim shall be denied.**

29 **3. As used in this section, "foreign law" means any law of a**
30 **jurisdiction outside of any state or territory of the United States,**
31 **including but not limited to, international organizations and tribunals,**
32 **and applied by that jurisdiction's courts, administrative bodies, or**
33 **other formal or informal tribunals.**

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Bill

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